

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA (Scranton)

JANE DOE, et al.,

Plaintiffs,

and

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

SCHUYLKILL COUNTY COURTHOUSE, et al.,

Defendants.

CIVIL ACTION – LAW

No. 3:21-cv-00477-MCC

MAGISTRATE JUDGE MARTIN C. CARLSON

*Electronically Filed*

**JURY TRIAL DEMANDED**

**JOINT DEFENSE MOTION FOR EXTENSION OF TIME TO FILE**  
**MOTIONS FOR SUMMARY JUDGMENT**

AND NOW, come the Defendants, by and through their undersigned counsel, and file the within Joint Defense Motion for Extension of Time to File Motions for Summary Judgment, as follows:

1. Currently, there is a deadline of June 22, 2023 for the filing of Motions for Summary Judgment.
2. That deadline was extended from a prior date to allow the parties to engage in mediation which was scheduled before Magistrate Judge Joseph Saporito on June 9, 2023.
3. The mediation took place with all parties participating in person and engaging in discussions throughout the entire day.

4. At the conclusion of the day, counsel for the Plaintiffs and counsel for the County Defendants agreed to speak the following week about mediating again and even scheduled an additional call with Magistrate Judge Saporito.

5. Following the completion of the mediation, counsel for the Plaintiffs suggested that her clients would be willing to mediate further with another magistrate judge, which counsel for the County Defendants indicated she would need to obtain authority to do so, as the County parties remained interested in continuing settlement talks with the existing mediator.

6. During the week of June 12, 2023, communications between counsel and Magistrate Judge Saporito took place to address the scheduled call, which Plaintiffs were unwilling to keep. Copies of these communications are attached collectively as Exhibit A.

7. Other communications continued with all counsel, all geared towards coordinating the potential for continuing to mediate with another mediator identified by Plaintiffs. Copies of these communications are attached collectively as Exhibit B.

8. Throughout the week of June 12, 2023, until up to the present, it was believed that by agreeing to further mediate with the new mediator, there would be no need to move forward at this time with the filing of Motions for Summary Judgment.

9. Certainly, spending the time and money needed in preparing Motions for Summary Judgment would not be useful in terms of the potential impact it might have on settlement. Accordingly, efforts at discussing moving forward with another mediation date continued by Defendants as reflected in the attached emails.

10. Despite earlier suggesting that further mediation with another mediator would be beneficial, Plaintiffs have modified their course and now will not agree to mediate unless and until another offer, which will unilaterally have to be deemed by them to be acceptable, is made.

11. The Defendants sought to utilize the mediation process for any further offers. That opportunity, however, is no longer acceptable to the Plaintiffs.

12. Accordingly, all Defendants seek time to now evaluate and prepare the necessary Motions for Summary Judgment for their respective clients inasmuch as they did not want to spend unnecessary funds in preparing the same while moving forward with mediation planning, even as recently as late last week.

13. The Defendants therefore seek to extend the time for filing of Motions for Summary Judgment. Given the schedules of all, the Defendants seek to extend that deadline from June 22, 2023 until July 31, 2023.

14. Plaintiffs do not consent to this Motion.

15. Despite anticipated protest to the contrary, no real prejudice to the Plaintiffs will exist because with the agreed prior extension until June 22, 2023, the Defendants had consented to a July 28, 2023 deadline for Plaintiffs to respond to those Motions. The total of a few additional weeks now from the end of July for the Plaintiffs to respond does not create any legitimate prejudice.

16. The Defendants remain available for a conference with the Court if needed to address this issue, including to discuss setting a second day for mediation.

WHEREFORE, Defendants respectfully request that this Honorable Court grant their request for an extension of time until July 31, 2023 to file Motions for Summary Judgment in this matter.

Respectfully submitted,

By: s/Gerard J. Geiger

GERARD J. GEIGER, Esquire  
PA I.D. #44099

Newman Williams  
712 Monroe Street  
Stroudsburg, PA 18360  
Phone: (570) 421-9090  
Fax: (570) 424-9739  
E-Mail: [ggeiger@newmanwilliams.com](mailto:ggeiger@newmanwilliams.com)

*Counsel for Defendant, GEORGE HALCOVAGE*

By: s/Paul Gregory Lees

PAUL GREGORY LEES, Esquire  
PA I.D. #68886

Dickie, McCamey & Chilcote, P.C.  
190 Brodhead Road, Suite 310  
Bethlehem, PA 18017  
Phone: (484) 510-7697  
Fax: (888) 811-7144  
E-Mail: [plees@dmclaw.com](mailto:plees@dmclaw.com)

*Counsel for Defendant, DOREEN KUTZLER*

By: s/Marie Milie Jones

MARIE MILIE JONES, Esquire  
PA I.D. #49711  
E-Mail: [mjones@jonespassodelis.com](mailto:mjones@jonespassodelis.com)

MICHAEL R. LETTRICH, Esquire  
PA I.D. #80635  
E-Mail: [mlettrich@jonespassodelis.com](mailto:mlettrich@jonespassodelis.com)

MARIA N. PIPAK, Esquire  
PA I.D. #317450  
E-Mail: [mpipak@jonespassodelis.com](mailto:mpipak@jonespassodelis.com)

JonesPassodelis, PLLC  
Gulf Tower, Suite 3510  
707 Grant Street  
Pittsburgh, PA 15219  
Phone: (412) 315-7272  
Fax: (412) 315-7273

*Counsel for Defendants, SCHUYLKILL COUNTY,  
GARY BENDER and HEIDI ZULA*

By: s/Meghan Wynkoop

MEGHAN WYNKOOP, Esquire  
PA I.D. #324242  
E-Mail: [mwynkoop@margolisedelstein.com](mailto:mwynkoop@margolisedelstein.com)

JOCELYN MENDEZ, Esquire  
PA I.D. #330493  
E-Mail: [jmendez@margolisedelstein.com](mailto:jmendez@margolisedelstein.com)

ANASTASIA SHUBERT-BARANOWSKI, Esquire  
PA I.D. # 329297  
E-Mail: [abaranowski@margolisedelstein.com](mailto:abaranowski@margolisedelstein.com)

Margolis Edelstein  
170 S. Independence Mall W., Suite 400E  
Philadelphia, PA 19106-3337  
Phone: (215) 922-1100  
Fax: (215) 922-1772

*Counsel for Defendant, GLENN ROTH*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was served upon the following counsel of record via the ECF electronic filing system:

Catherine W. Smith, Esquire  
Derek Smith Law Group, PLLC  
1835 Market Street, Suite 2950  
Philadelphia, PA 19103  
[catherine@dereksmithlaw.com](mailto:catherine@dereksmithlaw.com)  
*Counsel for Plaintiffs*

Paul Gregory Lees, Esquire  
Dickie, McCamey & Chilcote, P.C.  
190 Brodhead Road, Suite 310  
Bethlehem, PA 18017  
[plees@dmclaw.com](mailto:plees@dmclaw.com)  
*Counsel for Defendant, Doreen Kutzler*

Gerard J. Geiger, Esquire  
Newman Williams  
712 Monroe Street  
Stroudsburg, PA 18360  
[ggeiger@newmanwilliams.com](mailto:ggeiger@newmanwilliams.com)  
*Counsel for Defendant, George Halcovage*

Meghan Wynkoop, Esquire  
Jocelyn Mendez, Esquire  
Anastasia Shubert-Baranowski, Esquire  
Margolis Edelstein  
170 S. Independence Mall W., Suite 400E  
Philadelphia, PA 19106-3337  
[mwynkoop@margolisedelstein.com](mailto:mwynkoop@margolisedelstein.com)  
[jmendez@margolisedelstein.com](mailto:jmendez@margolisedelstein.com)  
[abaranowski@margolisedelstein.com](mailto:abaranowski@margolisedelstein.com)  
*Counsel for Defendant, Glenn Roth*

JONESPASSODELIS, PLLC

Date: June 19, 2023

s/Marie Milie Jones

MARIE MILIE JONES, Esquire  
MICHAEL R. LETTRICH, Esquire  
MARIA N. PIPAK, Esquire

Counsel for Defendants,  
SCHUYLKILL COUNTY, GARY BENDER and  
HEIDI ZULA